

**TOWN OF SULLIVAN
ZONING BOARD OF APPEALS
June 10, 2021
7:00 P.M.**

A regular meeting of the Zoning Board of Appeals of the Town of Sullivan was convened at the Town Office Building by Chairman Steve Durfee at 7:00 P.M.

Those in attendance for the meeting were: Chairman Steve Durfee, Members Michael Keville, Terry Manning, Bryan Bendixen and Attorney for the Board Richard Andino.

Also present: Larry Ball, Building/Codes Inspector

Excused: Member Cliff Reals

PUBLIC HEARING

7:00 P.M. – LARRY CARRIGAN: AREA VARIANCE (8803 CLARK RD., TAX MAP NO. 10.-1-44) SOUTH PROPERTY LINE SETBACK FOR DECK AND NORTH PROPERTY LINE SETBACK FOR CARPORT

Larry and Melissa Carrigan appeared before the Board to request an area variance for a deck extension and carport that have already been built. There is substantial area between the Applicant's property lines and neighboring homes. The Applicants have spoken to the neighbors and no one has issues with this application. There is nothing across the road except wetlands. RLS Structures built the carport during the Covid winter and the deck extension was completed by Mr. Carrigan. The Town offices were officially closed at that time which is the reason that no permit was processed.

No one spoke for or against the application and the public hearing was closed.

RIZKALLAH (TED) DOUDAK: USE VARIANCE (1939 TAG RD., TAX MAP NO.25.-2-11.2) KEEP TWO STORAGE CONTAINERS ON PROPERTY ZONED AGRICULTURAL

Mr. Doudak joined meeting via Zoom with regards from Brooklyn, NY seeking a use variance to maintain to storage contains on his property which are otherwise not permitted. He explained that he purchased 65 acres 11-12 years ago and then another 40 acres in 2016. He purchased the properties to be able to come up from Brooklyn to do hunting. The two containers have his ATV, (to help drag deer), tree stand, table bench and traps. They have been there since 2016 and there is no foundation or water. He stays at the Day's Inn when he comes here. He explained he stayed away from building anything so no maintenance would be needed. Member Bendixen asked how far from the property lines the containers are located. Mr. Doudak stated they are 70 to 80 yards from the road and they are on bricks.

No one spoke for or against the application and the public hearing was closed.

Discussion was then held about how the application was provided to the Board. Codes Enforcement Officer Larry Ball stated that he was doing his job and happened to see the containers when in the area. Attorney Richard Andino explained the Use Variance criteria to the Board. The code for stand-alone buildings was also discussed, which was revised about 5 years ago and allows stand-alone accessory structures on lots containing at least 5 acres and maximum building could be 400 sq.ft. along with other limitations. This new law would provide Mr. Doudak a remedy for this situation if he wanted to construct a building for hunting purposes. The difference between a building vs. equipment containers was discussed. The Town does not allow storage of commercial equipment/containers on any properties no matter the Zoning.

NEW BUSINESS

OLD BUSINESS

LARRY CARRIGAN: AREA VARIANCE (8803 CLARK RD. TAX MAP NO.10.-1-44) SOUTH PROPERTY LINE SETBACK FOR DECK AND NORTH PROPERTY LINE SETBACK FOR CARPORT

The Board jointly reviewed and considered the legal criteria and a proposed resolution for the granting of the requested area variance addressing each of the legal criteria for approval or denial of the application. No undesirable change would occur in the character of the neighborhood and the benefit sought could be achieved by alternative to the variance but the work has already been completed. The requested variance is substantial but the neighborhood is wide open country and no neighbors would be impacted. The difficulty was self-created as it was built during the Covid-19, no build period, no code enforcement per the Governor. The Board determined the benefit to the applicant outweighs the detriment to the neighborhood and therefore the variance request is approved.

This application was declared by the Board to be a Type II Action with negative declaration for SEQR.

A motion was duly made by Member Manning, seconded by Member Bendixen and unanimously passed by the Board granting a setback variance of 5.3 ft. of relief from the North property line for the carport and a setback variance of 11.5 ft. of relief from the South property line for the deck.

RIZKALLAH (TED) DOUDAK: USE VARIANCE (1939 TAG RD. TAX MAP NO.25.-2-11.2) KEEP TWO STORAGE CONTAINERS ON PROPERTY ZONED AGRICULTURAL

The Board jointly reviewed and considered the legal criteria and a proposed resolution for the granting of the requested use variance addressing each of the legal criteria for approval or denial of the application. There is no evidence presented that there is a financial hardship and the property is not unique. The containers were on the property prior to the variance request. Code Officer Ball stated commercial equipment is not allowed but a pre-built shed could be for accessory use with a Special Use Permit from the Planning Board. Initially Frank

Park Chairman of the Planning Board said it would be ZBA use variance. The Board determined the applicant did not meet the threshold of a use variance and therefore the variance request is denied.

This application was declared by the Board to be unlisted for SEQR and a negative declaration was issued.

A motion was duly made by Member Keville, seconded by Member Bendixen that the use variance be denied by a vote from the Board of 3 Aye and 1 Nay.

Mr. Doudak was still on via Zoom and stated he totally understands. He is a mountain guy and likes the outdoors. It is a 5 to 6 hour drive to the property from his home and he uses the property for hunting 6 to 7 times during that season. His children are now grown and not interested in camping anymore. He will look to sell the property and in the meantime will try to sell the two containers (he has had 6 to 7 buyers interested). Mr. Doudak asked for time to the end of month to get them removed.

APPROVAL OF MINUTES

A motion was duly made by Member Keville, seconded by Chairman Durfee and unanimously passed by the Board approving the minutes of May 13, 2021.

ADJOURNMENT

A motion was duly made by Member Bendixen, seconded by Member Keville and unanimously passed by the Board to adjourn the meeting at 8:10 P.M.

Respectfully Submitted
Jeri Rowlingson
Secretary